



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

EAG:AL/AH
F.#2011R00006

*271 Cadman Plaza East
Brooklyn, New York 11201*

July 30, 2012

By Hand Delivery and ECF

The Honorable Kiyo A. Matsumoto
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Neil Messina
Criminal Docket No. 11-31 (KAM)

Dear Judge Matsumoto:

The government respectfully submits this letter in opposition to the defendant's request for modification of his bond. (Ltr. from Gerald J. McMahon, Esq. to Court, dated July 30, 2012 (Docket Entry No. 180).)

For the reasons set forth in the government's letters dated June 9, 2011 (Docket Entry No. 80), December 28, 2011 (Docket Entry No. 126), and June 12, 2012 (Docket Entry No. 170), which were filed in opposition to prior requests for bond modification, the government opposes the pending request by the defendant for permission to visit his mother on August 2, 2012, and August 9, 2012. As the Court previously observed in denying a motion by the defendant to attend a business meeting, that decision was "due to the difficulties inherent in monitoring a meeting outside of Mr. Messina's residence to ensure compliance with the conditions of release." (Docket Entry dated June 10, 2011.) Although the current request to visit the defendant's mother is more sympathetic than the request to attend a business meeting, and although the government has consented to such requests in the past, the government respectfully submits that the same concern -- the difficulties inherent in monitoring the defendant -- apply here, and that the condition of home

confinement will lose its force if the defendant is effectively given a weekly pass to leave his home.

Respectfully submitted,

LORETTA E. LYNCH
United States Attorney

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cc: Gerald J. McMahon, Esq. (by ECF)
Clerk of the Court (KAM) (by ECF)